

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**CHARLES LEWIS WINLAND,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:19-CV-123  
(GROH)**

**BETSY JIVIDEN, Commissioner of Corrections,  
Division of Corrections,  
SCOTT E. PAUGH, Superintendent, Martinsburg  
Correctional Center, in his professional and  
Individual capacity and  
LT. MYERS, Martinsburg Security Detail, in his  
professional and individual capacity,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Now before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 6] on August 2, 2019. In his R&R, Magistrate Judge Trumble recommends that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a de novo review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of a plaintiff’s right to appeal this Court’s Order. 28.U.S.C. § 636(b)(1); Snyder v.


Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Plaintiff on August 2, 2019. ECF No. 6. The Plaintiff accepted service on August 8, 2019. ECF No. 8. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 6] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**. The Plaintiff's Motion for Leave to Proceed in forma pauperis [ECF No. 2] is hereby **TERMINATED AS MOOT**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

**DATED:** September 5, 2019

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE